

REMARKS

With entry of this amendment, claims 67, 76, and 81 have been amended, and claims 83-94 have been newly added. Claims 67-94 are now pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §103

Claims 67-82 stand rejected under 35 U.S.C. §103, as being obvious over U.S. Patent No. 6,312,429, issued to Burbank, et al. ("Burbank"), in view of U.S. Patent No. 6,165,175, issued to Wampler ("Wampler"), in further view of U.S. Patent Publication No. 2002/0022864 to Mahvi ("Mahvi"). Without acquiescence that Burbank, Wampler, or Mahvi constitute §102(e) or §102(e) prior art references, and without prejudice to antedate these references should it become necessary, Applicant respectfully traverses this rejection, since none of Burbank, Wampler, or Mahvi, alone or in combination, disclose, teach, or suggest the combination of elements required by these claims, as amended.

In particular, independent claims 67 and 76 have been amended to require the deployed first and second electrode arrays to be configured to necrose a volume of tissue therebetween when electrical energy is applied between the first and second electrode arrays. In contrast, the locator wires of Burbank are disclosed as only being capable of facilitating tissue penetration with a minimal amount of deployment force. In fact, because the entire lengths of the locator wires, with the exception of the tips, are coated within an electrically insulative material, Burbank provides no inherent ability to necrose a volume of tissue between the locator wire arrays given the relatively great distance between the tips of the respective locator wire arrays. Wampler and Mahvi do not supplement the failed teaching of Burbank.

Thus, Applicant believes that independent claims 67 and 76, as well as the claims depending therefrom (claims 68-75 and 77-82), are not obvious over the combination of Burbank, Wampler, and Mahvi, and as such, respectfully requests withdrawal of the §103 rejections of these claims.

New Claims

Applicant submits that newly added claims 83-94 are supported by the specification, as originally filed, and are patentable over the prior art for at least the same reasons as independent claims 67 and 76 from which they depend are. Claims 83-94 also provide additional patentable features not disclosed, taught, or suggested in a proper combination of Burbank, Wampler, and Mahvi.

For example, claims 83 and 89 require tissue to be necrosed axially outward from a center of a volume of tissue or the center of a tissue region. Claims 84 and 90 require the entire lengths of the at least one electrode of the first and second arrays to be uninsulated. Claims 85 and 91 require the volume of tissue necrosed between the electrode arrays to be at least 30 cm^3 . Claims 86 and 92 require the first and second electrode arrays to be completely spaced apart in the axial direction when in the deployed configuration. Claims 87 and 93 require the second electrode array, which has the at least one electrode having an end facing in the distal direction, to deploy from a proximal axial location of the shaft, and the first electrode array, which has at least one electrode having an end facing in the proximal direction, to deploy from a distal axial location of the shaft. Claims 88 and 94 require the at least one electrode of the second array to be proximal to the end of the at least one electrode of the first array.

Any proper combination of Burbank, Wampler, Mahvi does not disclose, teach, or suggest these additional features. If the Examiner should maintain the rejections of any of independent

claims 67 and 76, Applicant respectfully requests that the Examiner specifically consider the additional patentable features of the newly added dependent claims.

Conclusion


Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: April 17, 2006

By:



Michael J. Bolan
Reg. No. 42,339

Customer No. 23410
Vista IP Law Group LLP
2040 Main Street, 9th Floor
Irvine, CA 92614